

STUDENT DISCIPLINE BEST PRACTICES FOR CHARTER SCHOOLS TO EMPLOY

1. **Develop a comprehensive, lawful Code of Conduct** that addresses student behavior at school, related events, and on social media that impacts the school. Define infractions and consequences with specificity. Include a section on special education considerations that tracks federal law and regulations. Make sure that all students and their families receive the Code and any revisions.
2. **Consistently and uniformly implement the Code of Conduct.** Ignorance of disciplinary practices and sloppy execution can negate a strong Code. Annually train all staff on the Code and its requirements.
3. **Create template letters that effectively communicate suspension status and information about upcoming disciplinary hearings.** Such letters should advise students and their parents of alleged violations of the Code of Conduct and their due process rights. These communications should make a student's current suspension status clear and address any alternative educational services that the school will provide to a suspended student.
4. **Ensure that students with disabilities are disciplined in accordance with applicable federal and state law.** School policies and practices should reflect an understanding of what entity is the Local Education Agency (LEA) primarily responsible for special education issues such as discipline. Students with disabilities should be afforded due process protections such as a manifestation determination review in advance of any proposed long-term suspension or expulsion.
5. **Understand that federal protections apply to students who may be in need of special education and related services but do not yet have an Individualized Education Program (IEP).** School policies and practices should direct staff to abide by special education due process protections when disciplining students whom they believe may be eligible to be identified as having a disability.
6. **Provide appropriate and legally sufficient alternative educational services to students who are suspended.** State laws vary on the nature and extent of alternative educational offerings.
7. **Follow lawful practices when disciplining a student with an IEP who brings weapons or drugs to school, or whose behavior constitutes a danger to themselves or others,** to place them in interim alternative educational settings for up to 45 days in accordance with federal and state law.
8. **Establish a clear, lawful process for conducting disciplinary hearings.** Make it detailed and explicit in order to provide maximum clarity, fairness and efficiency. Ensure all due process rights. Make evidentiary rules clear.

9. **Appoint neutral, capable hearing officers who have no conflicts of interest.** Avoid appointing a staff member or other person who has been involved with the incident(s) at issue. It may be preferable to appoint a person from outside of the school community to serve as hearing officer.
10. **Establish a clear, lawful process for conducting disciplinary appeals.** Make it detailed and explicit in order to provide maximum clarity. Notify students and families appealing a disciplinary ruling of any additional appeals or challenges allowed by state law.

STUDENT DISCIPLINE MISTAKES FOR CHARTER SCHOOLS TO AVOID

1. **Students have a right to attend school – keep out of class suspensions in advance of a disciplinary hearing to a minimum.** There should not be substantial suspension (e.g. more than a few school days) in advance of a hearing determining whether or not a substantial suspension is warranted. If a hearing cannot be quickly scheduled, consider returning the student to the classroom until the hearing date.
2. **Avoid creating practices that limit student access to the classroom but fall outside of the Code of Conduct.** Quasi-suspensions can skirt due process. These include sizable in-school suspensions that involve a removal from the classroom that is roughly equivalent to out of school suspensions but come with no hearing and are not reported by the school to the district or state for accountability purposes.
3. **Do not engage in practices that impermissibly limit student access to the school.** These include requiring parents to be in the classroom to minimize problem behavior, shortening the school day of disruptive students (including students with disabilities), and requiring students to undergo certain sorts of medical, behavioral or therapeutic interventions in order to be readmitted to school after misconduct.
4. **Do not seek to have students who face expulsion voluntarily withdraw from the school.** Parents are free to make that decision, but schools should neither urge removal without a hearing nor deny one. Both would undermine due process.
5. **Do not overlook basic due process even for short-term suspensions.** In Goss v. Lopez, the U.S. Supreme Court established the minimum process for any suspension: The student has the right to be confronted with the charges and tell his or her side of the story. Courts have also determined that parents have the right to have the circumstances explained to them and to ask questions. Suspensions that fall short of this standard are unlawful. A more formal hearing is required for longer suspensions and expulsions.
6. **Avoid scheduling a disciplinary hearing either too quickly or with too much delay.** Parents should be given at least several days to seek an attorney and to arrange to attend the hearing. Especially where the accused student is suspended pending the hearing, the school should try to hold the hearing without delay.

7. **A hearing officer should not be made aware of the school's preparation of its case.** In order to maintain impartiality, the hearing officer should not be made aware of either party's perspective, evidence or intentions in advance of the hearing.
8. **Do not misuse the interim alternative educational setting for students with disabilities.** Federal and state laws call for students to be placed in an interim alternative education setting for up to 45 days in instances involving weapons, drugs or dangerous behavior. The threshold for dangerous behavior is high, and must be extreme to trigger this emergency practice. Students must present a genuine threat to themselves or others.
9. **Where the behavior of a student who has an IEP or is known to be at risk for one is found to be linked to a disciplinary violation, do not suspend any further.** A functional behavioral assessment (FBA) should be conducted and a Behavioral Intervention Plan (BIP) created to address challenging behavior.
10. **Create a clear record of communications with families over disciplinary matters.** Letters and emails attest to a school's efforts to ensure that its policies and due process requirements are followed. Misunderstandings, disagreements and other problems often arise when communications are informal or inconsistent.

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